

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1231**

Introduced by Brown, 6

Read first time January 12, 2000

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to children; to amend sections 43-2505,  
2 43-2620, and 71-1917, Revised Statutes Supplement, 1999;  
3 to change a council; to eliminate certain committees; to  
4 provide and transfer powers and duties; to harmonize  
5 provisions; to repeal the original sections; and to  
6 outright repeal sections 43-2506 and 43-2611 to 43-2614,  
7 Reissue Revised Statutes of Nebraska, and sections  
8 43-2610 and 43-2615, Revised Statutes Supplement, 1999.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Early Childhood Interagency Coordinating  
2 Council is created. The council shall advise and assist the  
3 collaborating agencies in carrying out the provisions of the Early  
4 Intervention Act, the Quality Child Care Act, sections 79-1101 to  
5 79-1104, and other early childhood care and education initiatives  
6 under state supervision. The members of the council shall be  
7 appointed by the Governor and shall include, but not be limited to:

8           (1) Parents of children who require early intervention  
9 services, early childhood special education, and other early  
10 childhood care and education services; and

11           (2) Representatives of school districts, social services,  
12 health and medical services, family child care and center-based  
13 early childhood care and education programs, agencies providing  
14 training to staff of child care programs, resource and referral  
15 agencies, mental health services, developmental disabilities  
16 services, educational service units, Head Start, higher education,  
17 physicians, the Legislature, business leaders, and the  
18 collaborating agencies.

19           Terms of the members shall be for three years, and a  
20 member shall not serve more than two consecutive terms. Members  
21 shall be reimbursed for their actual and necessary expenses,  
22 including child care, with funds provided for such purposes,  
23 through the Early Intervention Act, the Quality Child Care Act, and  
24 sections 79-1101 to 79-1104.

25           Members of the Nebraska Interagency Coordinating Council  
26 serving on the effective date of this act shall constitute the  
27 Early Childhood Interagency Coordinating Council and shall serve  
28 for the remainder of the term they are serving. The Governor shall

1 make additional appointments to provide the representation required  
2 by this section and to fill vacancies as needed. The Governor  
3 shall set the initial terms of additional appointees at one, two,  
4 or three years to result in staggered terms for the membership of  
5 the council. The Department of Health and Human Services, the  
6 Department of Health and Human Services Regulation and Licensure,  
7 and the State Department of Education shall provide and coordinate  
8 staff assistance to the Early Childhood Interagency Coordinating  
9 Council.

10           Sec. 2. With respect to the Early Intervention Act, the  
11 Quality Child Care Act, and sections 79-1101 to 79-1104, the Early  
12 Childhood Interagency Coordinating Council shall serve in an  
13 advisory capacity to state agencies responsible for early childhood  
14 care and education, including care for school-age children in order  
15 to:

16           (1) Promote the policies set forth in the Early  
17 Intervention Act, the Quality Child Care Act, and sections 79-1101  
18 to 79-1104;

19           (2) Facilitate collaboration with the federally  
20 administered Head Start program;

21           (3) Make recommendations to the Department of Health and  
22 Human Services, the Department of Health and Human Services Finance  
23 and Support, the Department of Health and Human Services Regulation  
24 and Licensure, the State Department of Education, and other state  
25 agencies involved in the regulation or provision of early childhood  
26 care and education on the needs, priorities, programs, and policies  
27 relating to such programs throughout the state;

28           (4) Make recommendations to the lead agency or agencies

1 which prepare and submit applications for federal funding;

2 (5) Review new or proposed revisions to rules and  
3 regulations governing the registration or licensing of early  
4 childhood care and education programs;

5 (6) Study and recommend additional resources for early  
6 childhood care and education programs; and

7 (7) Report biennially to the Governor and Legislature on  
8 the status of early intervention and early childhood care and  
9 education in the state.

10 Sec. 3. With respect to the Early Intervention Act, the  
11 Early Childhood Interagency Coordinating Council and collaborating  
12 agencies shall make recommendations regarding the following to the  
13 lead agency or agencies which shall have the responsibility and  
14 authority for:

15 (1) The general administration, supervision, and  
16 monitoring of programs and activities receiving federal funds under  
17 the federal early intervention program to ensure compliance with  
18 federal law;

19 (2) The identification and coordination of all available  
20 resources within the state from federal, state, local, and private  
21 sources;

22 (3) The development of procedural safeguards, including  
23 procedures for complaints and appeals, to ensure that services  
24 coordination is provided to eligible infants or toddlers with  
25 disabilities or possible disabilities and their families in a  
26 timely manner pending the resolution of any disputes among public  
27 agencies or service providers;

28 (4) The entry into formal interagency agreements that

1 include components necessary to ensure meaningful cooperation and  
2 coordination; and

3 (5) The coordination of interagency rules and regulations  
4 pursuant to the Early Intervention Act.

5 Sec. 4. Section 43-2505, Revised Statutes Supplement,  
6 1999, is amended to read:

7 43-2505. For purposes of the Early Intervention Act:

8 (1) Collaborating agencies means the Department of Health  
9 and Human Services and the State Department of Education;

10 (2) Developmental delay has the definition found in  
11 section 79-1118.01;

12 (3) Early intervention services may include services  
13 which:

14 (a) Are designed to meet the developmental needs of each  
15 eligible infant or toddler with disabilities and the needs of the  
16 family related to enhancing the development of their infant or  
17 toddler;

18 (b) Are selected in collaboration with the parent or  
19 guardian;

20 (c) Are provided in accordance with an individualized  
21 family service plan;

22 (d) Meet all applicable federal and state standards; and

23 (e) Are provided, to the maximum extent appropriate, in  
24 natural environments including the home and community settings in  
25 which infants and toddlers without disabilities participate;

26 (4) Eligible infant or toddler with disabilities means a  
27 child who needs early intervention services and is two years of age  
28 or younger, except that toddlers who reach age three during the

1 school year shall remain eligible throughout that school year. The  
2 need for early intervention services is established when the infant  
3 or toddler experiences developmental delays or any of the other  
4 disabilities described in the Special Education Act;

5 (5) Federal early intervention program means the federal  
6 early intervention program for infants and toddlers with  
7 disabilities, 20 U.S.C. 1471 to 1485;

8 (6) Individualized family service plan means the process,  
9 periodically documented in writing, of determining appropriate  
10 early intervention services for an eligible infant or toddler with  
11 disabilities and his or her family;

12 (7) Interagency planning team means an organized group of  
13 interdisciplinary, interagency representatives, community leaders,  
14 and family members in each local community or region;

15 (8) Lead agency or agencies means the Department of  
16 Health and Human Services and State Department of Education and any  
17 other agencies designated by the Governor for general  
18 administration, supervision, and monitoring of programs and  
19 activities receiving federal funds under the federal early  
20 intervention program and state funds appropriated for early  
21 intervention services under the Early Intervention Act; and

22 (9) ~~Nebraska Interagency Coordinating Council means the~~  
23 ~~state council the function of which is to advise and assist the~~  
24 ~~collaborating agencies in carrying out the provisions of the act.~~  
25 ~~The members of the council shall be appointed by the Governor and~~  
26 ~~shall include, but not be limited to, representatives of school~~  
27 ~~districts, social services, health and medical services, parents,~~  
28 ~~mental health services, developmental disabilities services,~~

1 ~~educational service units, Head Start, higher education,~~  
2 ~~physicians, the Legislature, and the collaborating agencies, and~~

3         ~~(10)~~ Services coordination means a flexible process of  
4 interaction facilitated by a services coordinator to assist the  
5 family of an eligible infant or toddler with disabilities within a  
6 community to identify and meet their needs pursuant to the act.  
7 Services coordination under the act shall not duplicate any case  
8 management services which an eligible infant or toddler with  
9 disabilities and his or her family are already receiving or  
10 eligible to receive from other sources.

11         Sec. 5. Section 43-2620, Revised Statutes Supplement,  
12 1999, is amended to read:

13         43-2620. The Department of Health and Human Services,  
14 the Department of Health and Human Services Regulation and  
15 Licensure, and the State Department of Education shall collaborate  
16 in their activities and may:

17         (1) Encourage the development of comprehensive systems of  
18 child care programs and early childhood education programs which  
19 promote the wholesome growth and educational development of  
20 children, regardless of the child's level of ability;

21         (2) Encourage and promote the provision of parenting  
22 education, developmentally appropriate activities, and primary  
23 prevention services by program providers;

24         (3) Facilitate cooperation between the private and public  
25 sectors in order to promote the expansion of child care;

26         (4) Promote continuing study of the need for child care  
27 and early childhood education and the most effective methods by  
28 which these needs can be served through governmental and private

1 programs;

2 (5) Coordinate activities with other state agencies  
3 serving children and families;

4 (6) Strive to make the state a model employer by  
5 encouraging the state to offer a variety of child care benefit  
6 options to its employees;

7 (7) Provide training for child care providers as  
8 authorized in sections 79-1101 to 79-1103;

9 (8) Develop and support resource and referral services  
10 for parents and providers that will be in place statewide by  
11 January 1, 1994;

12 (9) Promote the involvement of businesses and communities  
13 in the development of child care throughout the state by providing  
14 technical assistance to providers and potential providers of child  
15 care;

16 (10) Establish a voluntary accreditation process for  
17 public and private child care and early childhood education  
18 providers, which process promotes program quality;

19 ~~(11) Provide and coordinate staff assistance to the Child~~  
20 ~~Care and Early Childhood Education Coordinating Committee;~~

21 ~~(12)~~ At least biennially, develop an inventory of  
22 programs and early childhood education programs provided to  
23 children in Nebraska and identify the number of children receiving  
24 and not receiving such services, the types of programs under which  
25 the services are received, and the reasons children not receiving  
26 the services are not being served; and

27 ~~(13)~~ (12) Support the identification and recruitment of  
28 persons to provide child care for children with special needs.



1                   Sec. 6.     Section 71-1917, Revised Statutes Supplement,  
2     1999, is amended to read:

3                   71-1917.   The biennial report required under ~~subdivision~~  
4     ~~(11) of section 43-2615~~ section 2 of this act shall include:

5                   (1) The number of license applications received under  
6     sections 71-1908 to 71-1917;

7                   (2) The number of licenses issued under such sections;

8                   (3) The number of license applications denied under such  
9     sections;

10                  (4) The number of complaints investigated under such  
11     sections;

12                  (5) The number of licenses revoked under such sections;

13                  (6) The number and dollar amount of civil penalties  
14     levied pursuant to section 71-1915; and

15                  (7) Information which may assist the Legislature in  
16     determining the extent of cooperation provided to the department by  
17     other state and local agencies pursuant to section 71-1914.

18                  Sec. 7.   Original sections 43-2505, 43-2620, and 71-1917,  
19     Revised Statutes Supplement, 1999, are repealed.

20                  Sec. 8.   The following sections are outright repealed:  
21     Sections 43-2506 and 43-2611 to 43-2614, Reissue Revised Statutes  
22     of Nebraska, and sections 43-2610 and 43-2615, Revised Statutes  
23     Supplement, 1999.